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09/578,631

05/25/2000

William H. Barber

387953

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30955 7590 02/26/2007  
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BOULDER, CO 80301

EXAMINER

SHEIKH, ASFAND M

ART UNIT

PAPER NUMBER

3627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/578,631

Applicant(s)

BARBER ET AL.

Examiner

Asfand M. Sheikh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21, 23-62 and 64-83 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21, 23-62 and 64-83 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Amendment***

The amendment filed 09-Aug-06 has been entered. Claims 1-21, 23-62, and 64-83 are pending for examination.

***Acknowledgements***

PLEASE TAKE NOTE: The examiner examining the pending application has changed. The new examiner is Asfand M. Sheikh. Please note the Group Art Unit has not changed.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-12, 18-21, 26-29, 34-39, 41-53, 59-62, 67-69, 70, 75-80, 82, 83, and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. in view of Hamm et al., Kanoah et al., and Tognazzini.

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Newell et al. teaches a first central processing unit in said kiosk (Newell et al, see at least, FIG. 3b), a database representing kiosk inventory that is accessible by a user via a kiosk interface (see at least, col. 5, lines 52-58, col. 7, lines 27-29, and col. 11, lines 24-27), instructions stored on first readable media that direct the first central processing unit (Newell et al., see at least, col. 5, lines 26-31) to request billing information from the user (Newell et al., see at least, col. 5, lines 21-24), respond to a user request from the kiosk (Newell et al, see at least, col. 7, lines 25-29), receive a request for an optical storage media and billing information from said user (Newell et al., see at least, col. 7, lines 19-39), transmit billing instructions to said system server (Newell et al., see at least, col. 4, lines 24-28), and dispensing the optical storage media to said user (Newell et al., see at least, col. 7, lines 65-67 and col. 8, line 1), a second central processing unit in said system server (Newell et al., see at least, FIG. 1), instructions stored on second readable media that direct the second central processing unit to (Newell et al., see at least, FIG. 1) to receive billing information from said first central processing unit (Newell et al., see at least, col. 4, lines 24-28).

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The examiner notes Newell et al. is silent with respect to accessing the kiosk inventory via the internet, wherein the billing information contains a user-specified e-mail address, waiting for the kiosk to receive conformation of billing from the system server, having the system server perform a credit verification routine on a credit account in said billing information, transmitting said confirmation to said first central processing unit responsive to a verification of credit account, and transmit an electronic receipt for said transaction to a said user specified e-mail address in said billing information.

Hamm et al. teaches allowing a customer to utilize the Internet to access the central computer to learn of new products and supply within the supply network and intelligent dispensing machines (Hamm et al., see at least, col. 5, lines 12-21).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al. to include allowing a customer to utilize the internet to access the central computer to learn of new products and supply within the supply network and intelligent dispensing machines as taught by Hamm et al. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide an

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integrated supply network that takes advantage of the Internet to obtain accurate information of supply within supply network (Hamm et al., see at least, col. 1, lines 65-67 and col. 2, lines 1-9).

Kanoh et al. teaches having the kiosk communicate credit information to the host computer (Kanoh et al, see at least, col. 6, lines 41-56) waiting for the kiosk to receive confirmation of billing from the system server (Kanoh et al, see at least, col. 6, lines 41-56), having the system server perform a credit verification routine on a credit account in said billing information (Kanoh et al, see at least, col. 6, lines 41-56), transmitting said confirmation to said first central processing unit responsive to a verification of credit account (Kanoh et al, see at least, col. 6, lines 41-56).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al. to include waiting for the kiosk to receive conformation of billing from the system server, having the system server perform a credit verification routine on a credit account in said billing information, transmitting said confirmation to said first central processing unit responsive to a verification of credit account as taught by Kanoh et al. One of ordinary skill in the

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art would have been motivated to combine the teachings in order to provide a secured means for verifying the membership of a user (Kano et al, see at least, col. 1, lines 42-57).

Tognazzini teaches wherein the billing information received includes an e-mail address (Tognazzini, see at least, abstract and col. 4, lines 53-58) and deliver an electronic receipt based on said transaction to a user specified email address (Tognazzini, see at least, abstract and col. 4, lines 53-58).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al. to include wherein the billing information received includes an e-mail address and deliver an electronic receipt based on said transaction to a user specified email address as taught by Tognazzini. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide the elimination of paper receipts in order to store transaction information for a user that can be accessed at later time (Tognazzini, see at least, col. 2, lines 17-21).

As to claims 2 and 44, the combination of Newell et al., Hamm et al., Kano et al., and Toganzzini teach all elements of

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the claim except for reading data from the optical storage media in the kiosk and displaying the data on a display.

The examiner takes official notice that it is notoriously old and well known in the art to do so. For instance, it is old and well known to read the data from a CD or DVD in order to show the contents on the display or play parts of the content.

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini by reading data from the optical storage media in the kiosk and displaying the data on a display in order to provide information to the user.

As to claim 4, the combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini teach an optical reader comprising the bar code reader (Newell et al, see at least, FIG. 3b).

Alternatively, as to claims 4-6, 46 and 47, the combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini teach all elements of the claim except an optical media reader, and instructions for the kiosk to read the returned media, detect and error, and record an indication that the media contains an error in response to the detection of an error.



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The examiner takes official notice that to do so is notoriously old and well known in the art.

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an optical media reader, and instructions for the kiosk to read the returned media, detect and error, and record an indication that the media contains an error in response to the detection of an error in order to avoid selling or renting defective media, therefore increasing customer satisfaction.

As to claims 7, 8, 48 and 49, the combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini teach all elements of the claim except receiving a signal from the user that the returned media contains an error wherein the signal is read from a flag on the media casing.

The examiner takes official notice that to do so is notoriously old and well known in the art.

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify of Newell et al., Hamm et al., Kanoh et al., and Toganzzini to include receiving a signal from the user that the returned media contains an error wherein the

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signal is read from a flag on the media casing in order to detect problem disks and remove them from circulation or repair them.

As to claims 9-11, Newell et al. teaches a plurality of optical storage media in a kiosk that is maintained (e.g. adding and removing from inventory) and stored in a storage carousel (Newell et al., see at least, FIG. 3a).

As to claims 20, 21, 53, 61 and 62, Newell et al. teaches the second central processing unit maintains an inventory of optical storage media in said kiosk (Newell et al., see at least, col. 4, lines 13-30). Further Newell et al. teaches providing access to said database to a third central processor (Newell et al., see at least, col. 4, lines 28-35; FIG. 2; Examiner notes updating the inventory record of a vending machine to be providing access to a the database)

As to claims 26, 67 and 68, the combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini teach all elements of the claims except providing an ISP, a third processor at the ISP; programming at the ISP for transmitting messages between the kiosk and server; a tangible media for

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storing the programming; and the kiosk and server configured to communicate via the ISP; and sending messages via the internet.

The examiner takes official notice that to provide these elements is notoriously old and well known in the art.

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini by providing these elements and sending message via the internet in order to take advantage of the preexisting infrastructure of the internet.

As to claims 34, 35, 75 and 76, the combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini teach all elements of the claims except that the receipt includes advertisements comprising promotions for items available at the kiosk.

The examiner takes official notice that to provide advertisements comprising promotions for items available by the seller is notoriously old and well known in the art.

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Newell et al.,

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Hamm et al., Kanoh et al., and Toganzzini by providing such advertisements in order to stimulate more business.

As to claims 36-38 and 77-79, the combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini teach all elements of the claims except including a link to a home page in the receipt showing promotions offered by the seller.

The examiner takes official notice that to do so is notoriously old and well known in the art.

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini by providing link to a home page in the receipt showing promotions offered by the seller in order to stimulate additional business.

As to claims 39, 41, 42, 80, 82 and 83, the combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini teach providing a media via a dispenser, a slot for returning the media, a reader proximate the retrieval slot, instructions to read an identifier, and determine whether the media belongs to the system. It does not show that the dispenser providing a casing having an identifier; reading an identifier from the

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casing, or opening the slot upon determining that the media belongs to the system.

The examiner takes official notice that to do so is notoriously old and well known in the art.

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini to include having a dispenser providing a casing having an identifier; reading an identifier from the casing, and opening the slot upon determining that the media belongs to the system in order to protect the media, and ensure that only the correct media owned by the system is returned.

Claims 13 and 54 are Claims 13 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. in view of Hamm et al., Kanoh et al., and Toganzzini as applied to claim 1 above further in view of Takahashi et al.

The combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini teach all the features of the applicant's claimed invention except the device to polish the CDs.

Takahashi et al show a CD polishing device (Takahashi, see at least, abstract).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini to include the CD polishing device as shown by Takahashi et al. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide a device to polish the CDs to repair damaged disks.

Claims 14 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. in view of Hamm et al., Kanoh et al., Toganzzini, and Takahashi et al. as applied to claims 13 and 54 above further in view of Sakagami et al.

The combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini teach all the features of the applicant's claimed invention except performing an error checking routing on the optical media or generating an indicia of an error.

Sakagami et al. show performing an error checking routine comprising and generating an indicia of an error on the optical media (Sakagami et al, see at least, title and abstract).

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The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini to include show performing an error checking routine comprising and generating an indicia of an error on the media as taught by Sakagami et al. One of ordinary skill in the art would have been motivated to combine the teachings in order to properly and correctly identify defective optical media.

Claims 30-32, 71 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. in view of Hamm et al., Kanoh et al., and Toganzzini as applied to claims 27 and 70 above, and further in view of Brindze et al.

The combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini teach all the features of the applicant's claimed invention except concentric markings on the CDs.

Brindze et al. show CDs with unique concentric markings to keep track of each CD (Brindze, see at least, col. 3, lines 39-62).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to modify the combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini to include unique concentric markings to keep track of each disc. (It is noted that the markings of Brindze are concentric since they have the same center. It is noted that the a plurality of concentric rings was not claimed.)

Alternatively, claims 30-32, 71 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. in view of Hamm et al., Kanoh et al., and Toganzzini as applied to claims 27 and 70 above, and further in view of JP 7-182659.

The combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini teach the features of the applicant's claimed invention except concentric markings on the CDs.

'659 show CDs with unique concentric markings around the center of the CD ('6759, see at least, English abstract and figures).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini to include concentric bar code in order to allow rapid reading of code and reading regardless of angle.



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Claims 33, 73 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. in view of Hamm et al., Kanoh et al., and Toganzzini as applied to claims 1 and 43 above further in view of Iida.

The combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini teach all the features of the applicant's claimed invention except an optical writing system.

Iida disclose an optical writer (28) that writes data requested and received from a server to the CDs (Iida, see at least, col. 14, lines 35-47).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini to provide an optical writer in order to write data to the CDs. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide unique data associated with each disc.

Claims 23-25 and 64-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanoh et al in view of Amos as

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applied to claims 1 and 43 above further et al in view of Stein et al.

The combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini teach all the features of the applicant's claimed invention except sending advertisements according to a user profile based on items the user has requested in previous transactions.

Stein et al. teaches sending according to a user profile based on items the user has requested in previous transactions (Stein et al, see at least, abstract and col. 7, lines 34-47).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini to include sending according to a user profile based on items the user has requested in previous transactions as taught by Stein et al. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide individually targeted promotions and recommendations (Stein et al., see at least, col. 2, lines 14-22).

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Claims 39, 40, 80, and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. in view of Hamm et al., Kanoh et al., and Toganzzini as applied to claims 1 and 43 above further in view of Menke.

The combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini teach all the features of the applicant's claimed invention except a case dispenser.

Menke teaches a case dispenser (Menke, see at least, abstract).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini to a case dispenser as taught by Menke. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide a structure to protect the optical media.

As to claims 40 and 81, the combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini teach all the features of the applicant's claimed invention except a storage compartment for said disc, a pre-metered stamp to allow said casing to be mailed and a preprinted address.

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The examiner takes official notice that to do so is notoriously old and well known in the art.

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini to include a storage compartment for said disk, a pre-metered stamp to allow said casing to be mailed and a preprinted address to ensure that the correct media can be returned in an easy accessible manner.

Claims 41, 82, 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. in view of Hamm et al., Kanoh et al., Toganzzini, and Menke as applied to claims 1 and 43 above further in view of Hirschfield et al.

Newell et al. teaches scanning an identifier and determining if the media belongs to said system.

The combination of Newell et al., Hamm et al., Kanoh et al., Toganzzini, and Menke teach all the features of the applicant's claimed invention except an identifier on the casing.

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Hirschfield et al. teaches an identifier on the casing (Hirschfield et al., see at least, FIG. 4).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Newell et al., Hamm et al., Kanoh et al., Toganzzini, and Mneke to include an identifier on the case as taught by Hirschfield et al. One of ordinary skill in the art would have been motivated to combine the teachings in order correctly identify the items within the casing (Hirschfield et al., see at least, col. 1-25).

Claim 85 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. in view of Hamm et al., Kanoh et al., and Toganzzini as applied to claims 43 above further in view of Vallaire.

The combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini teach all the features of the applicant's claimed invention except reserving an item at a kiosk.

Vallaire teaches reserving an item at the kiosk (Vallaire, see at least, col. 2, lines 27-37).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to modify the combination of Newell et al., Hamm et al., Kanoh et al., and Toganzzini to include reserving an item at the kiosk as taught by Vallaire. One of ordinary skill in the art would have been motivated to combine the teachings in order to increase customer satisfaction.

#### *Allowable Subject Matter*

2. Claims 15-17 and 56-58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Response to Arguments*

3. Applicant's arguments with respect to claim 1-85 have been considered but are moot in view of the new ground(s) of rejection. However for the purposes of compact prosecution the examiner notes the following:

With respect to the arguments regarding the official notice (see Remarks/Arguments, pages 27-29), the examiner notes a proper traversal was not presented (Please see MPEP 2144.03 (C)). The examiner notes for a proper traversal "an applicant must specifically point out the supposed errors in the

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examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art." The examiner notes the applicant has not stated "why" the noticed fact is not considered to be common knowledge or well-known in the art.

With respect to the Takahashki reference (see Remarks/Arguments, pages 30-31), the examiner notes that based from the applicants specification (see Applicant's Specification, page 4) it describes a stand-alone disc polishing system. The examiner notes Takahashki teaches a stand-alone disc polishing system (Takahashki, see at least, abstract). The examiner did provide a prima facie case of obviousness, motivation was cited, there is reasonable expectation of success, and the references teach or suggest all of the limitations of the claim. This argument is not persuasive.

With respect to the Brindze and '659 references (see Remarks/Arguments, pages 34-35), the examiner notes that Brindze and '659 teach a concentric marking around the center of the optical storage media. The examiner notes that the applicant is arguing features not found in the limitation, more specifically, "scanning linearly across the media." The examiner notes that

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if this is of importance the applicant should add the following limitations in the claim. The examiner did provide a prima facie case of obviousness, motivation was cited, there is reasonable expectation of success, and the references teach or suggest all of the limitations of the claim. This argument is not persuasive.

With respect to the Iida reference (see Remarks/Arguments, pages 35-36), the examiner notes Iida teaches writing data to an optical disc. The examiner did provide a prima facie case of obviousness, motivation was cited, there is reasonable expectation of success, and the references teach or suggest all of the limitations of the claim. This argument is not persuasive.

#### *Conclusion*

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this



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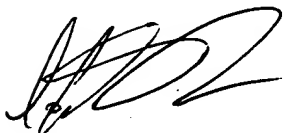
action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571) 272-1466. The examiner can normally be reached on M-F 8a-4:30p.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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9-Feb-07

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